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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

CHARLOTTE SMITH, ET AL.

Plaintiffs,

v.

EBAY CORPORATION, ET AL.,

Defendants.

Case No. C-10-03825(HRL)

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY CASE PENDING  
RESOLUTION OF RELATED CASE ON  
APPEAL**

**WHEREAS**, Plaintiffs Charlotte Smith, Paul Jackson, Art Beltrone, Lee Beltrone, James Mountain, and Jean Mountain filed their Class Action Complaint in the above-captioned matter on April 12, 2010;

**WHEREAS**, the above-captioned matter was transferred out of the United States District Court, Eastern District of Michigan on August 24, 2010 and entered on this Court's docket on August 27, 2010;

**WHEREAS**, *In re eBay Seller Antitrust Litigation*, No. C-07-01882-JF(HRL), a related case, is currently on appeal before the 9th Circuit Court of Appeals;

**WHEREAS**, both parties recognize that the resolution of the appeal in *In re eBay Seller Antitrust Litigation* will allow for a more efficient resolution of the issues in the above-captioned matter by avoiding an unduly burdensome and unnecessary duplication of labor and expense;

STIPULATION AND ~~PROPOSED~~ ORDER  
TO STAY CASE -- NO. C-10-03825(HRL)

1           **NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED, AGREED, AND**  
2 **ORDERED AS FOLLOWS:** that the Court shall temporarily stay all litigation proceedings and  
3 defer all rulings in the above-captioned case until the 9th Circuit remands or returns the mandate  
4 in *In re eBay Seller Antitrust Litigation* to the United States District Court, Northern District of  
5 California. The parties shall inform the Court within a reasonable amount of time of such  
6 activity.

7           **IT IS SO STIPULATED AND AGREED.**

8           Dated: September 21, 2010

9                               THOMAS P. BROWN  
10                              RANDALL W. EDWARDS  
11                              O'MELVENY & MYERS LLP

12                            By: /s/ Thomas P. Brown

13                                       Thomas P. Brown  
14                                       Attorneys for Defendants  
  eBay Inc.; PayPal Inc.

15           Dated: September 21, 2010

16                              PETER W. MACUGA, II  
17                              KEVIN J. MCGINESS  
18                              MACUGA, LIDDLE, & DUBIN, P.C.

19                            By: /s/ Peter W. Macuga, II

20                                       Peter W. Macuga, II  
21                                       Attorneys for Plaintiffs  
22                                       Charlotte Smith, Paul Jackson, Art Beltrone,  
23                                       Lee Beltrone, James Mountain, and Jean  
24                                       Mountain  
25  
26  
27  
28

**ORDER**

**IT IS SO ORDERED.**

Dated: September 24, 2010

  
\_\_\_\_\_  
HON. HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

I, Thomas P. Brown, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest that Peter W. Macuga, II has concurred in this filing.